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Attorney Docket #: 272-3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David Hartkop

Serial No.: 10/817,592

Filed: April 2, 2004

For: SCANNING APERTURE THREE
DIMENSIONAL DISPLAY DEVICE

Examiner: A. Y. Chang
Group Art: 2872

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 10, 2005
(Date of Deposit)

John G. Tutunjian

Name of applicant, assignee or Registered Representative

Signature

May 10, 2005
Date of Signature

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

The Office Action mailed April 29, 2005 has been reviewed and carefully considered.

The Examiner has suggested that the present application contains claims directed to three (3) patentably distinct species, and identifies the species as the following:

- A) Species A display screen with a physical aperture plate with a fixed single aperture (figures 2-4);
- B) Species B: display screen with a scanning aperture plate having a single moving aperture (Figures 7-8); and
- C) Species C: display screen with an LCD dynamic parallax barrier (Figs 12-13).

Applicant respectfully disagrees with the Examiner's identification of the drawings as different species of the invention and traverses this requirement.

In particular, and as explained in the Detailed description of the invention, Figures 2-8 described the operation of the scanning aperture plate 3D display device of the present invention by showing and concisely describing the operation of a scanning aperture plate by using a step by step diagrammatic representation as shown in the drawings.

For example, and with reference to the Examiner's cited Species A, figures 204 show an aperture plate 18, and describe how the angle of view and operation with one aperture opened. The application description and claims in no way suggests that the aperture plate 18 has a single aperture, which would be completely contrary to the "Scanning aperture" aspect of the present invention.

With reference to the Examiner's cited Species B, figures 7 and 8 are representative diagrams showing how the perspective of view and the angles of perception change as the aperture "scans" across the aperture plate 18. Thus, there are not multiple apertures open at the same time, as this too would defeat the purpose and be contrary to the "Scanning Aperture" aspect of the invention.

Species C identified by the Examiner is simply an LCD embodiment of the "scanning aperture plate" according to the invention.

The claims of the invention are directed to a 3-D display device that utilizes an aperture plate. This aperture plate operates as described within the specification and clearly does not fall into the categories identified by the Examiner as

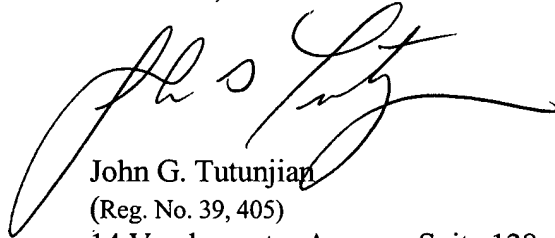
Species A, B or C, but rather, all three identified Species are part of the same embodiment of the invention.

In view of the foregoing, applicant respectfully submits that the Restriction Requirement is improper and requests withdrawal of the same.

Applicant provisionally elects Species C identified by the Examiner, however believes the restriction has been traversed by this response.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,
KEUSEY, TUTUNJIAN & BITETTO, P.C.

A handwritten signature in black ink, appearing to read 'John G. Tutunjian', is written over the printed name and address.

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